



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

April 14, 2004

SUBJECT: **2004-0150** – Application for a 8,688 square foot site project located at **1340 Miette Way** in an R-1 (Low Density Residential) Zoning District (APN: 323-05-034):

Motion Variance from Sunnyvale Municipal Code section 19.48.100 to allow an air conditioning unit between the face of the building and the street.

REPORT IN BRIEF

Existing Site Single Family Home located on a corner lot

Conditions

Surrounding Land Uses

North Single Family Residential

South Single Family Residential

East Single Family Residential

West Single Family Residential

Issues Possible location of air conditioning unit

Environmental Status A Class 11 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Denial

Recommendation



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Residential Low Density	Same	---
Zoning District	R-1	Same	---
Lot Size (s.f.)	8,688	Same	8,688 min.
Setbacks (facing prop.)			
• Front	20'	Same	20' min.
• Left Side	7'	Same	6' min.
• Right Side (Reducible Front Yard)	12'	Same	9' min.
• A/C Unit (Right Side)	N/A	Approx. 18'	By Variance
• Rear	21	Same	20' min.

ANALYSIS**Background**

Previous Actions on the Site: There are no previous planning items related to this site.

Description of Proposed Project

The proposed project is for a Variance to allow an air conditioning unit between the face of the building and the street on a corner lot. The air conditioning unit had been installed in December of 2003, prior to receiving a permit from the City. The applicant was notified of the requirement of a Variance by the Planning Division when the application was received by the Building Division. The Sunnyvale Municipal Code 19.48.100 states that "mechanical equipment, such as but not limited to heating or air conditioning units, shall not be located between the face of building and the street, and shall be screened from view."

Environmental Review

A Class 11 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 11 Categorical Exemptions include accessory structures.

Variance

Site Layout: The subject property is a corner lot located on Miette Way and Blanchard Way. The proposed unit is currently located at the reducible front yard (Blanchard Way) side of the home. The placement of the unit is hidden from view by an existing hedge and meets the required nine foot setback. The unit does not encroach into the required nine foot reducible front yard setback. The position of the house on the lot limits the placement of the unit to the opposite side (north) and rear yard. It appears there is limited available space at the north side of the home to place the unit and meet the required six foot side yard setback. Most locations along the house within the rear yard would meet the required twenty foot setback.

Compliance with Development Standards

The site meets all development standards for single family homes in the R-1 Zoning District with the exception of the placement of the unit which is between the face of the building and the street.

In order to grant a Variance, three findings must be made (See Attachment 1). The applicant has submitted justification for the Variance, which is located in Attachment 4. The applicant has stated that the current placement of the unit does not create noise impacts on the neighbors. Staff believes there is sufficient space within the rear yard where the unit would meet City noise and setback requirements. The unit would also be screened from public view by existing fences. Therefore, staff was not able to make the Findings and recommends denial of the Variance.

Expected Impact on the Surroundings

The placement of the air conditioning at the front of the house will not have a noise impact to adjacent neighbors. Currently, there is no significant visual impact of the air conditioning unit. The unit is obstructed from view by an existing hedge; however, staff is recommending as Condition of Approval #4 that if the Variance is approved, a fence, no greater than six feet high, shall be constructed in front of the equipment. The exact location and length of the fence shall be reviewed and approved by staff prior to building permit approval. Additional planting of shrubs may be recommended to soften the visual appearance of a newly constructed fence at this location. This will provide a more permanent visual obstruction of the mechanical equipment. Staff finds that the hedge does not provide sufficient screening and maintenance of this area may be difficult to enforce.

Findings, General Plan Goals and Conditions of Approval

Staff is recommending denial for this project because the Findings (Attachment 1) were not made. However, if the Administrative Hearing Officer is able to make the required findings, staff is recommending the Conditions of Approval (Attachment 2).

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Staff has received one letter in support for the Variance from an adjacent resident (See Attachment #5.).

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to the adjacent property owners of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Deny the Variance.
2. Approve the Variance with the attached conditions.
3. Approve the Variance with modified conditions.

Recommendation

Alternative 1.

Prepared by:

Ryan Kuchenig
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

1. Findings
2. Conditions of Approval
3. Site and Architectural Plans
4. Letter from the Applicant
5. Letter from adjacent neighbor

Recommended Findings - Variance

1. *Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district.*

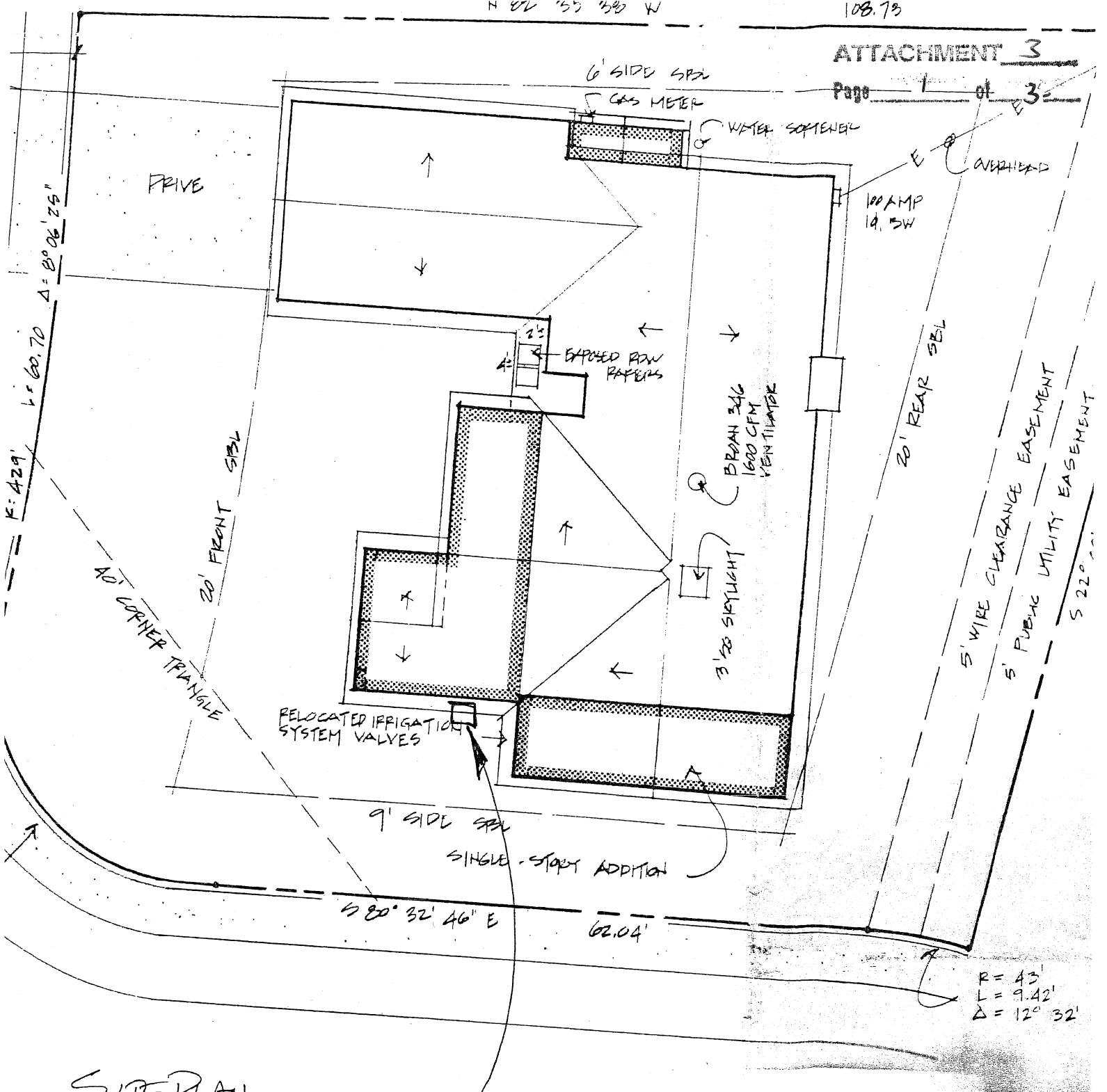
Staff does not believe that the configuration of the corner lot or layout of the home is an exceptional circumstance that deprives the property owner of rights or privileges. The site meets all current Zoning standards and the configuration of the home is not unique to the neighborhood. There are alternative locations within the rear yard that would meet the City ordinance in terms of noise and setback requirements.

2. *The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.*

The granting of the Variance would not be materially detrimental to the public welfare or injurious to the property or surroundings in respect to noise. However, staff believes the current screening is inadequate and can be potentially a visual impact. Staff recommends the relocation of the unit to the rear yard or the construction of a fence between the unit and the public right of way, if the Variance is approved.

3. *Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.*

The intent of the ordinance is to ensure that mechanical equipment be placed in the side or rear yards. This project does not meet the intent of the ordinance and staff cannot make the finding.

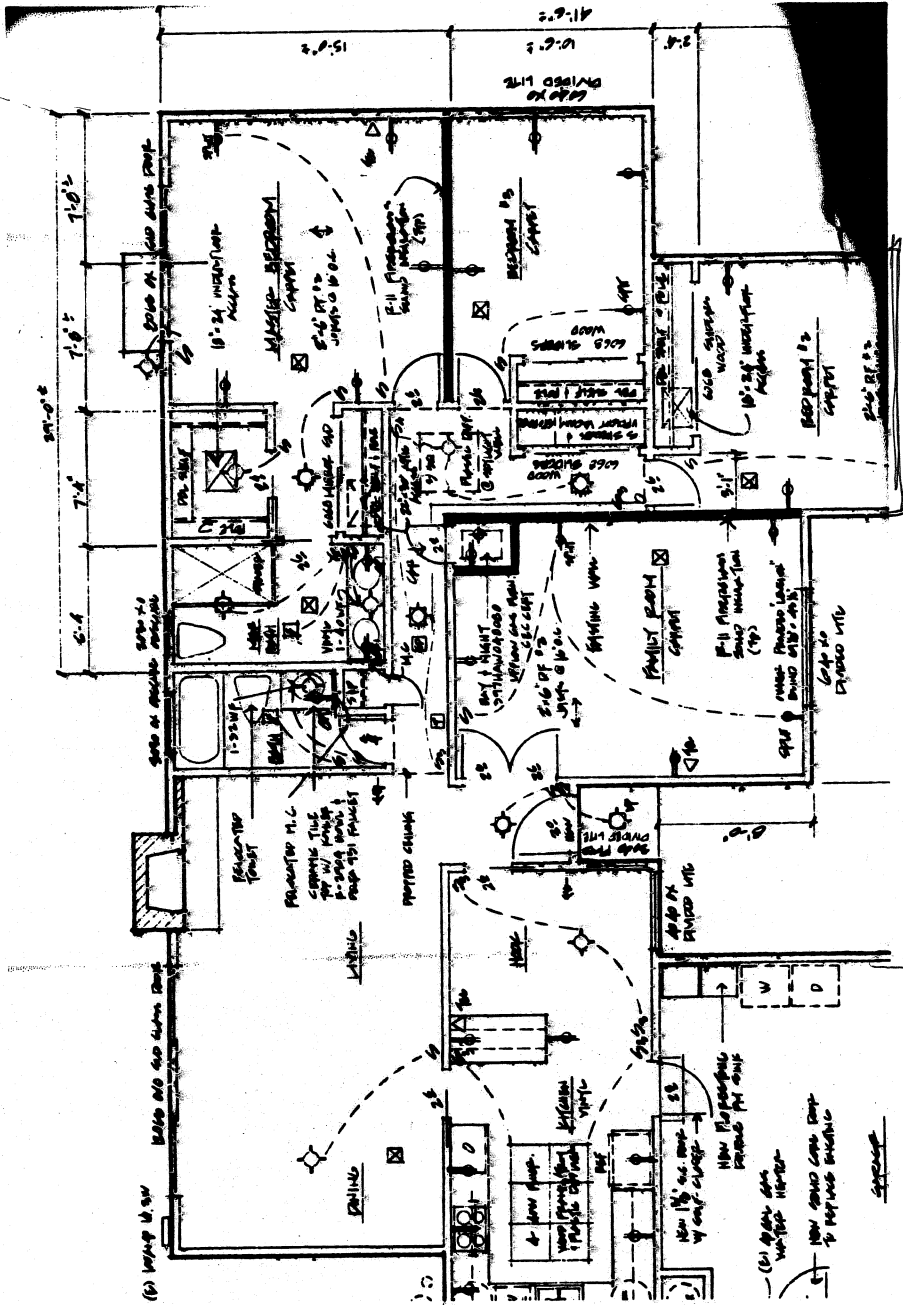


SITE PLAN

1340 MLETTE WAY
SUNNYVALE

PROPOSED AIR CON PLACEMENT

RL AND CAMP





VARIANCE JUSTIFICATION

1340 Miette Way

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district

We are requesting to locate the air conditioning unit in the front/side yard (SW corner of the house). This location minimizes any negative impact to our neighbors.

Because our property is on the corner, we do not have the benefit of two side yards to choose from to locate the unit. Additionally, our backyard is the smallest of surrounding properties.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

The air conditioning compressor will remain out of view and will have a lower noise impact than at any other location on the property.

3. Upon granting of the Variance the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

The unit will not be visible at the SW corner of the house (front/side yard) behind established bushes) and provides the lowest noise impact to neighbors. Placing it in the backyard results in increased noise for our neighbor on Blanchard (essentially his front/side yard - bedrooms). Placing it in our side yard increases the noise for our Miette neighbor (Living Room). We believe the SW corner location best serves the neighborhood as well as this property.

Ryan Kuchenig - 1340 Miette Way

From: "Carol and Don Harbaugh"
To: <rkuchenig@ci.sunnyvale.ca.us>
Date: 3/28/2004 3:05 PM
Subject: 1340 Miette Way

Dear Mr. Kuchenig,

I have received your notice re: the hearing on 1340 Miette Way. I probably will not be able to attend the meeting, so I would like to respond via e-mail.

I am Donald Harbaugh, 771 Blanchard Way, we are next-door neighbors of 1340 Miette Way. My wife and I strongly SUPPORT the Young's application for a variance. The A/C unit is in the best possible place now, well hidden by shrubbery and farthest from all neighboring properties.

Please grant the variance.

Thanks for your consideration,

Donald and Carol Harbaugh
771 Blanchard Way
Sunnyvale, CA 94087